

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:21-cv-00124-MR-WCM

LEGACY 73 SIGNS, LLC, )  
on the authority of its member- )  
managers, David M. Smith and )  
Jamie M. Smith, )

Plaintiff, )

v. )

GERALD LIPSCOMB, individually )  
and d/b/a Shytle Sign and Lighting )  
Services, LLC; GARY DEAN )  
SHYTLE, individually and as )  
member, co-owner and operator )  
of Shytle Sign and Lighting )  
Services, LLC; and SHYTLE SIGN )  
AND LIGHTING SERVICES, LLC, )

Defendants. )  
\_\_\_\_\_ )

ORDER

This matter is before the Court *sua sponte* for case management purposes.

On July 2, 2021, Defendant Gerald Lipscomb (“Lipscomb”) filed counterclaims against Plaintiff Legacy 73 Signs, LLC (“Plaintiff”). Doc. 9.

Plaintiff filed a motion seeking dismissal of Lipscomb’s counterclaims, which motion was granted in part and denied in part on November 5, 2021. Doc. 17.

Since that time, Plaintiff has not filed a responsive pleading relative to Lipscomb's remaining counterclaims, and it appears the time for doing so has expired. It further appears that the next appropriate step in this matter is the entry of a Pretrial Order and Case Management Plan. See Local Civil Rule 16.1(d) ("For the limited purpose of these Rules, 'joinder of the issues' occurs when the final answer to a complaint, third-party complaint, or crossclaim or the final reply to a counterclaim has been filed, or the time for doing so has expired"); Fed. R. Civ. P. 12(a)(4)(A).

Accordingly, the Clerk is **RESPECTFULLY DIRECTED** to schedule an initial pretrial conference, by video, in this matter.

It is so ordered.

Signed: February 14, 2022

A handwritten signature in black ink, reading "W. Carleton Metcalf", written over a horizontal line.

W. Carleton Metcalf  
United States Magistrate Judge

